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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,017	07/16/2003	David Heller	APL1P288/P3054	1693
22434	7590	10/28/2005		
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER REID, CHERYL M	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,017

Applicant(s)

HELLER ET AL.

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-42 have been examined.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's argument that Kent does not teach or suggests that any of the files being transferred using FTP would be accessed to utilized their internal data is respectfully traversed. Kent teaches of accessing files (Page 264), the user is utilizing the internal data of the file, wherein Examiner is interpreting "internal data" as data that is contained within the file or data relating to, associated with, or characterizes the file such as the file name or file size, when they perform functions such as read the text file that they have accessed (page 265, Different flavors of FTP, 4th paragraph).
4. In regards to the argument regarding claim 27, Applicant asserts that neither Kent nor Griner teaches of a computer readable medium; However, claim 27, does not recite a "computer readable medium." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., computer readable medium) are not recited in the rejected claim(27). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 ,2, 4-9, 11-12, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (The Complete Idiot's Guide to the Internet) in view of Gross III et al (US 20020026446).

6. In regards to claim 1, Kent teaches of : (a) accessing, by a second application program, a data communication file provided by a first application program (p. 267, lines 1-2); producing a user interface on the display using data internal to the data communication file (p. 267,fig . 1 9.1);(c) receiving a user selection with respect to the user interface (p. 268, line 4); (d) identifying a media content file associated with the user selection (p. 268, line 4); (e) associating a media content file identified by the user selection to the second application program (p. 268, lines 5-6). Kent does not explicitly teach of utilizing a database and the data communication file being derived from the database data. In an analogous art, Gross III teaches of utilizing database data and the data communication file being derived (obtained) from the database data (Paragraph

Art Unit: 2142

[0028, 0029]). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (file sharing system). One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Gross (Paragraph [0003,-005]).

7. In regards to claims 2, 4-9, 11-12, the rejections were set forth in a previous office action mailed on 5/06/2005.

8. In regards to claim 39, Kent does not explicitly teach of the limitations. Gross teaches of wherein the first application program and the second application program operate on the same computer (fig 1, item 160), wherein the application programs are item 165, 185. See claim 1 for motivation.

9. Claims 10, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of in view of Gross III as applied above to claim 1, and further in view of Book (2003/0223566).

10. In regards to claims 10, the rejections were set forth in a previous office action mailed on 5/06/2005.

11. In regards to claim 41, Gross teaches of wherein the data communication file is automatically produced by the first application program (Paragraph [0028, 0029]). See claim 1 for motivation.

12. Claim 42 is rejected under 35 U.S.C. 103(a) as being

Art Unit: 2142

unpatentable over Kent in view of in view of Gross III in view of Book as applied above to claim 41, and further in view of Carter.

13. In regards to claim 42, none of the above references explicitly teach of the limitations. In an analogous art, Carter teaches of the first application program automatically updates the database data communication file when the database data utilized by the first application program changes (col 11, lines 15-35). See claim 15 for motivation.

14. Claims 3, 13-14, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of in view of Gross III as applied above to claim 1, and further in view of Griner (6,614,729).

15. In regards to claims 3, 13-14, the rejections were set forth in a previous office action mailed on 5/06/2005.

16. In regards to claim 40, Griner teaches of the first application program is a media management application (col 6, lines 53-58). The motivation was set forth in a previous office action mailed on 5/06/2005.

Art Unit: 2142

17. Claims 15, 17-19,21-22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (*The Complete Idiot's Guide to the Internet*) in view of Carter et al (5987506).

18. In regards to claim 15, Kent teaches of: computer program code for accessing, by a second application program, a data communication file provided by a first application program (p. 267, lines 1-2); computer program code for producing a user interface using data from the data communication file (p. 267, fig. 19.1); computer program code for receiving a user selection with respect to the user interface (p. 268, line 4) ; computer program code for identifying a media content file associated with the user selection (p.268, line 4). And computer program code for associating a media content file identified by the user selection to the second application program (p. 268, lines 5-6). Kent does not explicitly teach of a data communication file that is automatically produced. In an analogous art, Carter teaches of automatically creating a data communication file (col 23, lines 15-20). It would have been obvious to one of ordinary skill in the arts to incorporate the above teachings because the inventions are analogous art (relates to remote accessing of data). One of ordinary skill in the arts at the time of invention would have been motivated because the above modifications would result in an improved fault tolerant network systems which is desirable as discussed by Carter (col 2, lines 40-65).

19. In regards to claims 17-19,21-22, 26, the rejections were set forth in a previous office action mailed on 5/06/2005.

20. Claims 16, 23-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of in view of Carter as applied above to claim 15, and further in view of Carter et al (5987506).

21. In regards to claims 16, 23-25, the rejections were set forth in a previous office action mailed on 5/06/2005.

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of in view of Carter as applied above to claim 15, and further in view of Book (2003/0223566).

23. In regard to claim 20, the rejections were set forth in a previous office action mailed on 5/06/2005.

24. Claims 27-31, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner (6,614,729).

25. In regards to claims 27-31, 33-35, the rejections were set forth in a previous office action mailed on 5/06/2005.

Art Unit: 2142

26. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Book.

27. In regards to claims 32 ,the rejections were set forth in a previous office action mailed on 5/06/2005.

28. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Kronick (Netscape Navigator).

29. In regards to claims 36 and 37 ,the rejections were set forth in a previous office action mailed on 5/06/2005.

30. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Buswell (6,836,885).

31. In regards to claim 38,the rejections were set forth in a previous office action mailed on 5/06/2005.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2142

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


BEATRIZ PRIETO
PRIMARY EXAMINER

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER